

BILL NO. G-86- 06-12

GENERAL ORDINANCE NO. G- 23-86

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating a dedicated plat.

WHEREAS, a petition to vacate a dedicated plat within  
the City of Fort Wayne (as more specifically described  
below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing  
thereon; and

WHEREAS, said Commission has duly forwarded its  
recommendation to this body approving said petition, all in  
accordance with I.C. 36-7-4-512(2) and this body having  
held a public hearing on said vacation as provided in  
I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of  
the City Planning Commission.


NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a  
dedicated plat within the City of Fort Wayne, more specifi-  
cally described as follows, to-wit:

Lots 107 through 118, inclusive, in The Woodlands of  
Riverside as recorded in Plat Record 39, pages 78-80,  
in the Office of the Recorder of Allen County, Indiana.

and which vacating amends the Thoroughfare Plan of the City  
Comprehensive ("Master") Plan and is hereby approved in all  
respects.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, any and all necessary  
approval by the Mayor,

  
Councilmember



1  
2 APPROVED AS TO FORM AND LEGALITY:

3 Bruce O. Boxberger  
4 BRUCE O. BOXBERGER, CITY ATTORNEY  
5

6 \*\* Public hearing to be held on \_\_\_\_\_ the  
7 \_\_\_\_\_ day of \_\_\_\_\_, 1986, in the Council  
8 Chambers.  
9

10 Sandra E. Kennedy, City Clerk  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

FOX RIVER BOND  
25% COTTON



Read the first time in full and on motion by Eastman  
seconded by W. J. Burns, and duly adopted, read the second time  
by title and referred to the Committee Regulation (and the C  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wa  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.,

DATE: 6-10-86

Maryde Eastman  
SANDRA E. KENNEDY, CITY CLERK  
Deputy Clerk

Read the third time in full and on motion by Eastman  
seconded by W. J. Burns, and duly adopted, placed on its  
passage. PASSED ~~(LOST)~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	<u>✓</u>	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 7-8-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. G-23-86

on the 8th day of July, 1986

ATTEST:

(SEAL)

Sandra E. Kennedy

Samuel J. Talarico

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana  
on the 9th day of July, 1986  
at the hour of 10:00 o'clock 7.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14 day of July  
1986, at the hour of 11 o'clock 11.M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



# Division of Community Development & Planning

## BRIEF TITLE

Plat Vacation Ordinance

## APPROVAL DEADLINE

## REASON

## DETAILS

<b>Specific Location and/or Address</b>  Portion of Plat Woodlands of Riverside Lots 107 thru 118.
<b>Reason for Project</b>  In order to replat.
<b>Discussion (Including relationship to other Council actions)</b> May 19, 1986 - Public Hearing Jim Streit, attorney, representing the Woodlands of Riverside stated that his client wanted to vacate the present plat in order to replat it and add 4 additional lots to the subdivision. He stated they are not intending to change the use, it will remain Single Family Residential uses.  Duane Embury questioned if any of the sewer lines were to be vacated along with the plat vacation.  Mr. Streit stated that there will be no changes to the sanitary sewers or drainage in the area. He stated all of the lines are already in place.  There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

## POSITIONS

## RECOMMENDATIONS

<b>Sponsor</b>	City Plan Commission
<b>Area Affected</b>	City Wide  Other Areas
<b>Applicants/ Proponents</b>	Applicant(s) Woodland/Riverside Properties Inc. City Department  Other
<b>Opponents</b>	Groups or Individuals  Basis of Opposition
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
<b>Board or Commission Recommendation</b>	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
<b>CITY COUNCIL ACTIONS</b> (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

# DETAILS

June 2, 1986 - Business Meeting

Of the eight (8) members present  
7 voted in favor of approval one (1)  
did not vote. Motion to approve  
the vacation carried.

## POLICY/PROGRAM IMPACT

Policy or  
Program  
Change

☐ No

☐ Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date April 18, 1986

Projected Completion or Occupancy

Date June 18, 1986

Fact Sheet Prepared by

Date June 18, 1986

Patricia Biancaniello

Reviewed by

Date

17 June 1986

Reference or Case Number



ORIGINAL

Admn. Appr. \_\_\_\_\_

COUNCILMANIC DISTRICT No. \_\_\_\_\_

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Plat Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

9-86-06.121

SYNOPSIS OF ORDINANCE Lots 107 thru 118 in the Woodlands of Riverside

EFFECT OF PASSAGE Property is dedicated plat. Plat will remain dedicated.

EFFECT OF NON-PASSAGE Plat can be replatted.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_

## RECEIPT

check # 1367

COMMUNITY DEVELOPMENT &amp; PLANNING

No 598

FT. WAYNE, IND.,

4/18

19

Inter. Road Dev. Corp. &amp;

RECEIVED FROM

Gallucci, Hopkins &amp; Thiesen \$ 50.00

THE SUM OF

Fifty &amp; 00/100

100

DOLLARS

ON ACCOUNT OF

plat vacation -

Woodlands of Riverside

B. Steele

AUTHORIZED SIGNATURE

PETITION TO VACATE  
PORTION OF RECORD PLAT

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following portion of a recorded plat within the City of Fort Wayne, Indiana, and hereby described as follows:

Lots 107 through 118, inclusive, in The Woodlands of Riverside as recorded in Plat Record 39, pages 78-80, in the Office of the Recorder of Allen County, Indiana.

In support thereof, your petitioner would represent as follows:

1. That it is the owner of all lots located within or adjacent to that portion of the plat sought to be vacated hereby, except lot 119.

2. That, concurrently with the filing hereof, it is filing with the Fort Wayne City Plan Commission its application to subdivide the above-described real property, together with an adjoining parcel, and to re-plat same as set forth in petitioner's proposed amended plat, a copy of which is attached hereto as Exhibit A.

3. That no other person, firm, or corporation is interested in or affected by the requested vacation.

4. That the interests of the City of Fort Wayne and the citizens thereof will not be adversely affected by the proposed vacation of said plat.

Your petitioner files this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

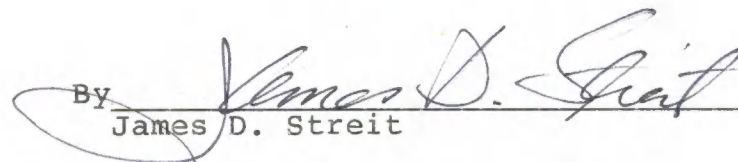
WHEREFORE, your petitioner prays that the above-described portion of said plat be vacated according to the provisions of the Indiana law pertaining thereto.

Dated this 18th day of April, 1986.

WOODLAND/RIVERSIDE PROPERTIES, INC.  
an Indiana corporation  
("Petitioner")

By   
William G. Kriesel, President

GALLUCCI, HOPKINS & THEISEN, P.C.

By   
James D. Streit

Seventh Floor, Paine Webber Bldg.  
803 South Calhoun Street  
Fort Wayne, Indiana 46802  
ATTORNEYS FOR PETITIONER



**PRIMARY PLAT****RE-PLAT OF LOTS 107 THRU 118**the **WOODLANDS OF RIVERSIDE**

AN ADDITION TO THE CITY OF FORT WAYNE, INDIANA

**AND AN ADJOINING PARCEL****DESCRIPTION**

A parcel of land located in the Northeast One-quarter of Section 24, Township 31 North, Range 12 East and the Northwest One-quarter of Section 19, Township 31 North, Range 13 East, Allen County, Indiana and more particularly described as follows:

COMMENCING at the Southeast corner of the Northeast One-quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana; thence North 89 degrees 47 minutes East a distance of 153.56 feet along the South line of the plat of the Woodlands of Riverside as recorded in Plat Book 39, Pages 78-80 in the Office of the Recorder of Allen County, Indiana; thence North 6 degrees 00 minutes West along the Easterly line of said plat a distance of 814.11 feet to the Point of Beginning on the Northerly right-of-way line of River Run Trail.

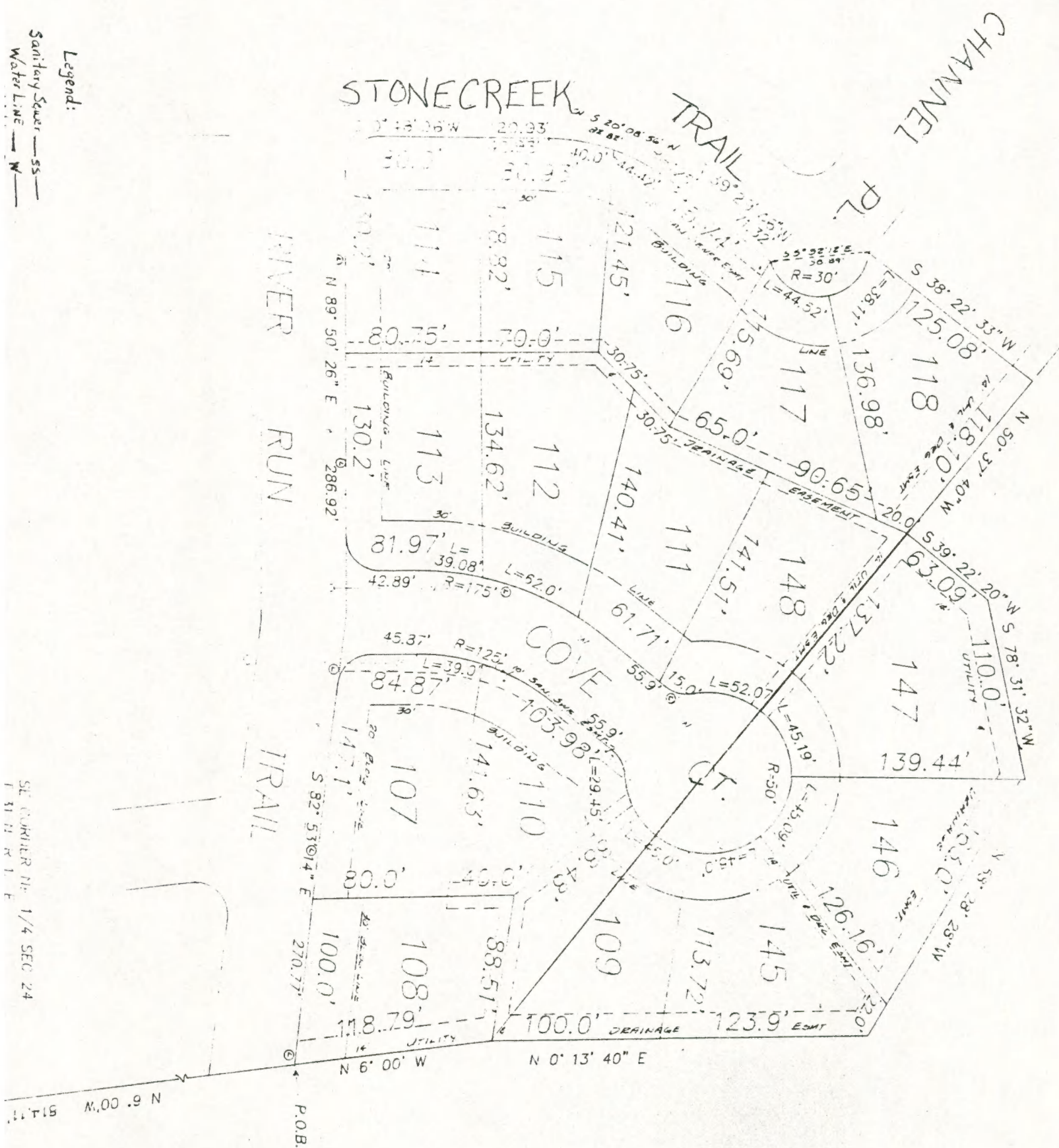
BEGINNING at the above described point; thence continuing North 6 degrees 00 minutes West along the Easterly line of said plat a distance of 118.79 feet; thence North 0 degrees 13 minutes 40 seconds East a distance of 223.9 feet; thence North 58 degrees 28 minutes 28 seconds West a distance of 185.0 feet; thence South 78 degrees 31 minutes 32 seconds West a distance of 110.0 feet; thence South 39 degrees 22 minutes 20 seconds West a distance of 63.09 feet to the Northeasterly line of said plat; thence North 50 degrees 37 minutes 40 seconds West along the Northeasterly line of said plat a distance of 118.10 feet; thence South 38 degrees 22 minutes 33 seconds West a distance of 125.08 feet along the East line of Lot #119 said Final Plat of the Woodlands of Riverside to the Northerly right-of-way line of the intersection of Stonecreek Trail and Channel Court within said plat; thence Easterly and Southerly along the right-of-way line of Channel Court and Stonecreek Trail and along a curve having a radius of 30.0 feet a distance of 82.63 feet (with a chord bearing South 5 degrees 52 minutes 12 seconds East a distance of 58.89 feet); thence South 39 degrees 29 minutes 46 seconds West along the Easterly right-of-way line of Stonecreek Trail a distance of 71.32 feet; thence along said Easterly right-of-way line on a curve to the left having a radius of 125.0 feet a distance of 84.42 feet (with a chord bearing South 20 degrees 08 minutes 56 seconds West a distance of 82.82 feet); thence South 0 degrees 48 minutes 06 seconds West a distance of 120.93 feet to the North right-of-way line of River Run Trail within said plat; thence North 89 degrees 50 minutes 26 seconds East along the North right-of-way line of River Run Trail a distance of 286.92 feet; thence South 82 degrees 53 minutes 14 seconds East along said North right-of-way line a distance of 270.77 feet to the Point of Beginning. Parcel contains 4.432 acres of land more or less.

**DEVELOPER: INTERRAD DEVELOPMENT CORP.  
2200 LAFONTAIN STREET  
FORT WAYNE, IN**

**ENGINEER - SURVEYOR: COIL & DICKMEYER, INC.**



ST. CROIXER No. 1/4 SEC 24  
T 31 N R 1 E





RESOLUTION 76-64-20

WHEREAS, WOODLAND/RIVERSIDE PROPERTIES, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated plat situated in Fort Wayne, Allen County, to-wit:

Lots 107 through 118, inclusive, in The Woodlands of Riverside as recorded in Plat Record 39, pages 78-80, in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated plat has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated plat hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated plat hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated plat or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN )

I, David J. Kiester, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held June 11, 1986 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 11<sup>th</sup> DAY OF June 1986

FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester

David J. Kiester  
Director of Public Works

Colette R. Simon

Colette R. Simon  
Director of Administration & Finance

Lawrence D. Consalvos

Lawrence D. Consalvos  
Director of Public Safety



## RESOLUTION

WHEREAS, WOODLAND/RIVERSIDE PROPERTIES, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated plat in Fort Wayne, Allen County, to-wit:

Lots 107 through 118, inclusive, in The Woodlands of Riverside as recorded in Plat Record 39, pages 78-80, in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on May 19, 1986, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated plat.

WHEREAS, said vacation of dedicated plat has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated plat hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated plat hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated plat or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated plat in Allen County, Indiana.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 2 June 1986, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 18 DAY OF June 1986

FORT WAYNE CITY PLAN COMMISSION

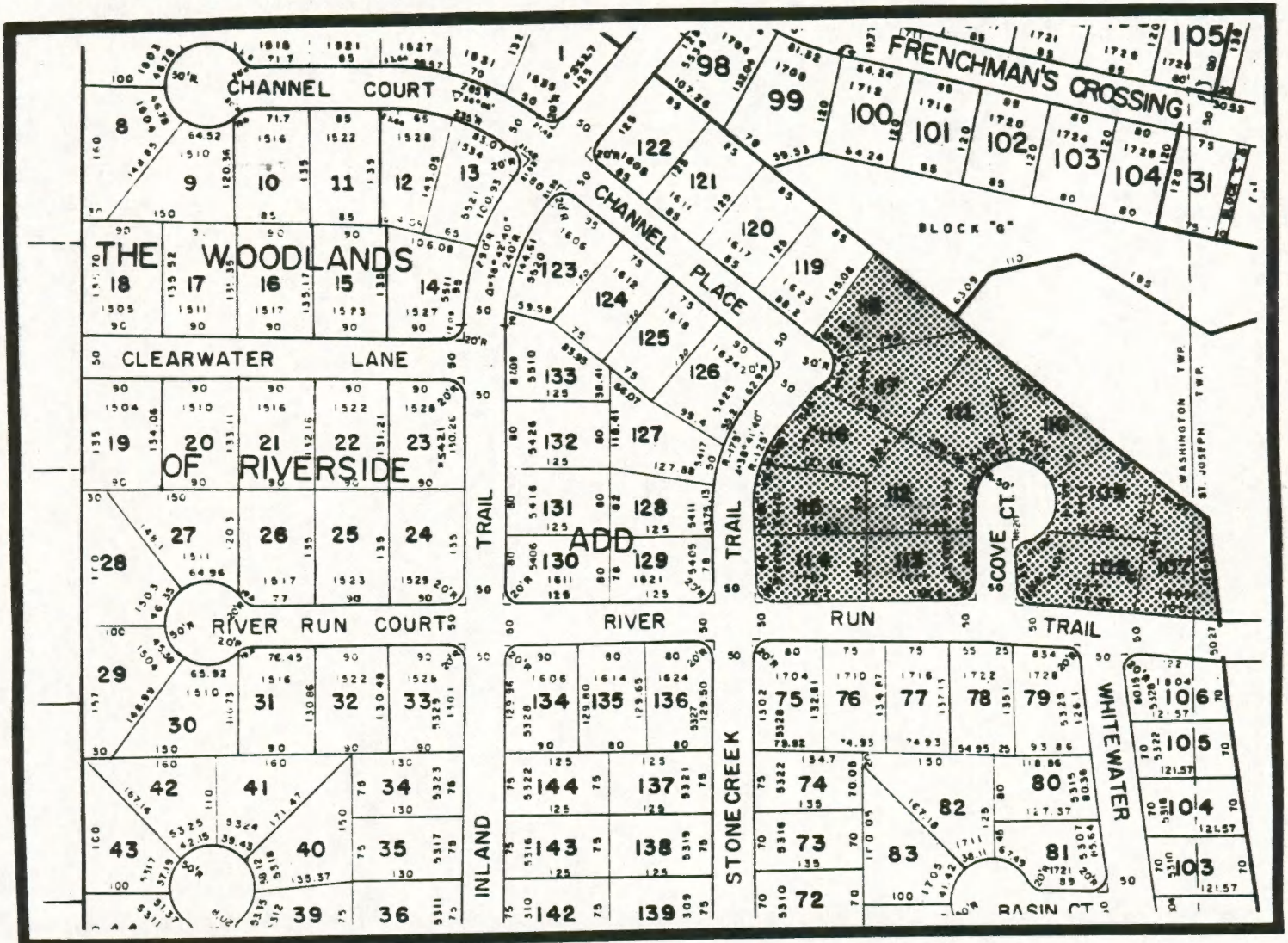
Melvin O. Smith  
Secretary



A PETITION TO VACATE THE DESCRIBED PROPERTY.

COUNCILMANIC DISTRICT No. 2

MAP No. O-34



ZONING:

LAND USE:

SCALE: 1" = 200'

DATE: 5-1-86





BILL NO. G-86-06-12

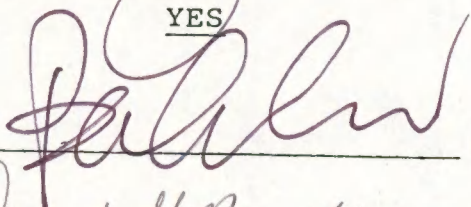
REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating a  
dedicated plat

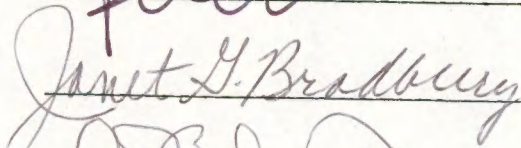
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~)

YES

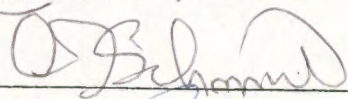
NO



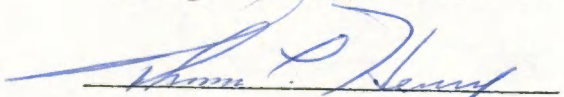
BEN A. EISBART  
CHAIRMAN



JANET G. BRADBURY  
VICE CHAIRWOMAN



DONALD J. SCHMIDT



THOMAS C. HENRY



CHARLES B. REDD

CONCURRED IN 7-8-86

SANDRA E. KENNEDY  
CITY CLERK